



PATENT
450100-4443.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Keiji KANOTA et al.
Serial No. : 10/809,913
For : DATA RECORDING APPARATUS AND METHOD, DATA REPRODUCING APPARATUS
AND METHOD, DATA RECORDING/REPRODUCING APPARATUS AND METHOD,
AND TRANSMISSION MEDIUM
Filed : March 25, 2004
Art Unit : 2655

745 Fifth Avenue
New York, NY 10151
Tel: 212-588-0800

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.
☐ The fee has been calculated as shown below.
☐ This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	54	Minus	** =54	* 0 x	\$50 (25)	= \$ 0
Independent claims	18	Minus	*** =18	* 0 x	\$200 (100)	= \$ 0
Total additional fee for this amendment						\$ 0

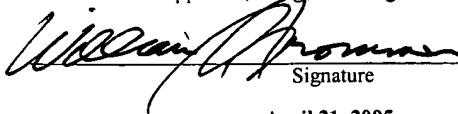
- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
** If the highest number of total claims previously paid for is less than 20, write "20" in this space.
*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

- ☐ This application contains a multiple dependent claim. The required fee of \$360(180) has been previously paid ☐, or is paid herewith ☐.
- ☒ This response is being filed within the first month following the expiration of the term originally set therefor. This is a petition to request a one month extension of time. A check covering the cost of the petition is enclosed.
- ☒ A check in the amount of **\$120.00** is attached, which covers the cost of ☐ additional claims ☒ petition for extension of time.
- ☐ Charge \$_____ to Deposit Account No. 50-0320.
- ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 21, 2005.**

William S. Frommer, Reg. No. 25,506

Name of Applicant, Assignee or Registered Representative

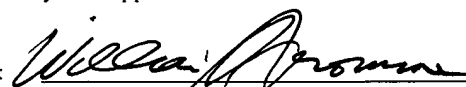

Signature

April 21, 2005

Date of Signature

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
William S. Frommer
Reg. No. 25,506
Tel: 212-588-0800

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21, 2005

William S. Frommer, Reg. No. 25,506

(Name of Applicant, Assignee or Registered Representative)

William S. Frommer
Signature

April 21, 2005

Date of Signature

RESPONSE

Mail Stop **Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed in the above-identified application on
December 23, 2004, the term for responding thereto being requested to be extended for one
month. In light of the remarks to follow, reconsideration and allowance of this application are
respectfully solicited.

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In the Office Action under reply, the Examiner kindly noted that claims 1-35 and 45-54 are in condition for allowance. However, claims 36-44 were rejected as being obvious over U.S. Patent 5,377,051 (Lane) in view of Official Notice. The Examiner added U.S. Patent 5,659,654 (Nagasawa) to Lane in order to reject claim 39.

Turning to the Examiner's stated rejection of claims 36 and 44 (paragraph 3 of the Office Action), he asserts:

"It would have been obvious to one skilled in the art to modify the Lane et al's recording/reproducing apparatus wherein the reproducing means provide thereof would incorporate the capability of simultaneously reproducing two different recorded signals from the recording medium in the same conventional manner as is well known in the recording/reproducing art. Examiner has taken Official Notice. The motivation is to be able to reproduce at the same time two different recorded signals from the recording medium at any desired time, thereby increase the efficiency of the reproducing operation in the same conventional manner as is suggested in the prior art."

Lane describes a video recorder for receiving video data and recording that video data in a form capable of playback in either a normal playback mode or a "trick play" mode. The "trick play" mode is a fast forward playback mode. The video data is recorded in successive tracks on a tape, with each track having a trick play segment recorded in a section over which the playback head is expected to pass when the tape is played back in this fast forward mode. As best understood, during the trick play (or fast forward playback) mode, substantially only the trick play segments are picked up (see, for example, Fig. 13A); but this may be sufficient to display a fast-moving (or trick play) image of lower resolution (col. 40, lines 18-29). Error concealment is used to conceal the missing data that is not picked up during the trick play mode (col. 37, lines 18-24). On the other hand, during the normal playback mode, the entire track, including the trick

play segment, is reproduced, resulting in an image of better quality -- although error concealment is used during the normal playback mode as well (col. 36, lines 1-10).

The trick play segment includes header information to identify the segment as a trick play segment; and this is pertinent to retrieval (col. 51, lines 1-7). During playback, whether it is the normal mode or trick play mode, data picked up from the tracks being scanned by the VTR heads is in the form of normal and trick play data blocks (col. 53, lines 1-4). Error correction is performed on each data block picked up from the tape, and the header in each packet is examined to determine whether the packet is for use during normal or trick play operation or both (col. 53, lines 18-23 and 38-41). During normal playback operation, only data packets identified for use during the normal mode are output; and during the trick play operation, only data packets identified for use during the trick play mode are output (col. 53, lines 56-62).

The Examiner apparently construes Lane's trick play packets, containing the trick play header, as data of one kind, and Lane's packets containing the normal play header as data of another kind. When comparing Lane to Applicants' claimed invention, however, it appears that Lane reproduces his data packets from track to track in accordance with the same method and without regard to whether the packets include the trick play or normal header. The only difference in the playback operation is the faster movement of the tape when the VTR operates in the trick play mode. But trick play packets are retrieved from the tape in the very same way as the normal play packets, except the trick play packets are not output during the normal playback mode and, conversely, the normal packets are not output during the trick play mode (col. 53, lines 56-62). Accordingly, if the normal play packets are construed as corresponding to Applicants' first data and the trick play packets are construed as corresponding to Applicants' second data, it is submitted that the method for reproducing the normal packets in Lane is the

same as the method for reproducing the trick play packets. However, claim 36 specifies that the first data is reproduced by a first method and the second data is reproduced by a second method.

More importantly, claim 36 further specifies that the first method "insure[s] continuous reproduction of the first data" and the second method "insure[s] the reliability of the second data" as that second data is reproduced. But, Lane's reproduction method does not distinguish or differentiate between "continuous reproduction" and "reliability." Both the normal packets and the trick play packets are reproduced with "continuous" reproduction; and by virtue of the error correction circuit 404 in Fig. 11, "reliability" is important to both the normal and trick play packets. That is, Lane does not meet the following limitation of claim 36:

"whereby in said first method the first data is reproduced so as to insure continuous reproduction of the first data and whereby in said second method the second data is reproduced so as to insure the reliability of the second data."

In fact, the words, "continuous" and "reliability" are not found in Lane.

Accordingly, since important features of claim 36 are not found in Lane; and since it is not permitted to reconstruct Lane in an effort to add these features merely by asserting "Official Notice," it is submitted that claim 36 is unobvious over Lane.

Applicants' representative points out that the following assertion in the stated rejection of claim 36 is not correct:

"It would have been obvious to one skilled in the art to modify the Lane et al's recording/reproducing apparatus wherein the reproducing means provide thereof would incorporate the capability of simultaneously reproducing two different recorded signals from the recording medium ..."

This implies that Lane would reproduce signals in both the trick play mode and the normal mode at the same time. However, Lane cannot operate in both modes at the same time -- he reproduces

video signals in either the normal mode or in the trick play mode. Accordingly, the modification to Lane, as proposed by the Examiner is not proper because it would destroy Lane's stated operation.

Therefore, the rejection of claim 36 as being obvious should be withdrawn.

Claims 37-43 all depend from claim 36, and the dependent claims further limit Applicants' claimed invention. These dependent claims are unobvious over Lane for the very same reasons discussed above.

Nagasawa was added to Lane to reject claim 39. However, Nagasawa does not cure the above-noted defects of Lane. Nagasawa records A/V information. The data structure for this A/V information is shown in Figs. 2-4, 8 and 9. It is seen that the A/V information is recorded in packs. This A/V data may correspond to the claimed "audio and/or video data streams" of claim 39; but the A/V data is not "random access data other than audio and/or video data streams," as recited in claim 39. Accordingly, even if Nagasawa is combined with Lane, the resultant combination still does not suggest, "the first data are composed of audio and/or video data streams, and the second data are random access data other than audio and/or video data streams." Therefore, the withdrawal of the rejection of claim 39 is respectfully solicited.


Claim 44 is directed to the method performed by the apparatus of claim 36. Accordingly, the comments and arguments set forth above in respect of claim 36 are equally applicable to claim 44; and the withdrawal of the rejection of claim 44 is respectfully requested.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

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Please charge any additional fees that may be needed, and credit any overpayment, to our
Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

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